HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 796 of 2005

PETITIONER : Mahesh Ram Gavel, Ex Forest Guard Aged about 39 years Village Bundeli P.O. Baldora Via Adbhar Tehsil Shakti Distt Bilaspur (MP)

VERSUS

RESPONDENTS : 1. State of Madhya Pradesh, Secretary Forest Department Vallab Bhawan Bhopal (MP)
2. Chief Conservator of Forests (Administration Non Gazetted) Office of the Principal Chief Conservator of Forests Madhya Pradesh Satpura Bhawan Bhopal (MP)
3. Conservator of Forests, Bilaspur Circle Bilaspur (MP)
4. Divisional Forest Officer North Bilaspur (Territorial) Division Bilaspur (MP)

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Mr. Abhay Tiwari, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the State/respondents.

ORDER
(Passed on 4th day of May, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was admittedly absent for a period of 91 days from 10.10.87 to 11.01.88 and second time, for 73 days i.e. from 23.08.88 to 05.11.88 on account of serious physical problem of his father. The petitioner being the only male member, was in a state of confusion. Therefore, he had to leave the workplace to attend his father. Thereafter, the petitioner moved an application for condonation of lapse on the part of the petitioner and the same could have been treated as Leave Without Pay. The answering respondents, after having considered the reply, decided to impose the punishment of compulsory retirement.

2. Learned counsel appearing for the petitioner, at this stage seeks permission of this Court to make representation before the

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competent authority under provision of Rule 7 of the M.P. Civil Services (Conduct) Rules, 1965, as the Rules provides that in case of emergency, the authority competent to sanction leave may, for the reasons to be recorded in writing, accord ex-post facto sanction for leave already availed.

3. The petitioner, being poor and having no source of income, intends to make a representation before the authorities to consider his case sympathetically under provisions of Rule 7, to which the learned counsel appearing for the respondents have no objection.

4. This petition is accordingly disposed of with a liberty to make representation, if so advised for proper relief, before competent authority. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit